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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

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11 JORGE ALEJANDRO ROJAS,
12 v.
13 Plaintiff,
14 MARKETIZO MEDIA, and MATIAS
15 OSCAR,
16 Defendants.

17 Case No. 2:23-cv-07695-FLA-BFM
18 Assigned to: Judge Fernando L. Aenlle-
19 Rocha
20 **NOTICE OF MOTION;
MOTION FOR EXTENSION OF TIME
TO SERVE DEFENDANTS**
21 Hearing: May 10, 2024, 1:30 PM
First Street Courthouse¹
350 W. 1st Street, Courtroom 6B
6th Floor, Los Angeles, California 90012

22 **NOTICE OF MOTION**

23 NOTICE IS HEREBY GIVEN, that Plaintiff, Jorge Alejandro Rojas, will bring on
24 for hearing this Motion for Extension of Time to Serve Defendants, before the Honorable
25 Fernando L. Aenlle-Rocha, or whomever may be sitting in his stead, on May 10, 2024, at
26 1:30 PM, or as soon as possible thereafter as he may be heard, at the First Street Courthouse
350 W. 1st Street, Courtroom 6B, 6th Floor, Los Angeles, California 90012.

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28 ¹ Plaintiff intends to separately request the ability to appear for this hearing remotely.

1 **MOTION FOR EXTENSION OF TIME TO SERVE DEFENDANTS**

2 Plaintiff, Jorge Alejandro Rojas, pursuant to Fed. R. Civ. P. 4(m), moves this Court
 3 for a brief ninety-one (91) day extension of time within which to serve Defendants
 4 Marketizo Media (“Marketizo”) and Matias Oscar (“Oscar”), from the current deadline of
 5 April 15, 2024 to July 14, 2024. Plaintiff has been unable to confer with any defendant
 6 prior to the filing of this motion, and is unaware of any counsel for the same.

7 This is an action under the Telephone Consumer Protection Act (“TCPA”), 47
 8 U.S.C. § 227, alleging Defendants violated the TCPA by making telephone calls to the
 9 Plaintiff without his consent and while being on the National Do Not Call Registry.
 10 Plaintiff initially commenced this action against a different set of Defendants (Dkt. 1),
 11 which was voluntarily dismissed without prejudice following settlement by the parties
 12 (Dkt. 13).

13 Plaintiff filed his First Amended Complaint against the current set of Defendants on
 14 October 17, 2023 – for the conduct alleged in the original Complaint. Dkt. 17. Plaintiff was
 15 provided contact information for Marketizo and Oscar by the parties in the original
 16 Complaint, and Plaintiff has attempted service on them to that address, but has been
 17 unsuccessful. Marketizo has been identified as the entity potentially liable for the
 18 telemarketing calls – along with its officer Oscar. Plaintiff has been unable to find a
 19 company with that name – but has included it based on representations of counsel of the
 20 companies previously sued and dismissed.

21 On October 25, 2023, Plaintiff retained a process server to serve Oscar, at the address
 22 identified by counsel for the dismissed parties. Dkt. 20-1 ¶ 3. A process server attempted
 23 to serve Oscar on October 26, 2023, October 31, 2023, November 2, 2023, and November
 24 5, 2023. During the attempts, the server was unable to make contact with Oscar – and
 25 ultimately the resident stated that they did not know of someone with that name. Plaintiff
 26 has filed the proof of non service. Dkt. 19.

27 Plaintiff e-mailed Oscar on October 25, 2023, at the e-mail provided by counsel for
 28 the former Defendants, in an attempt to resolve this matter. Oscar has not replied. Dkt. 20-

¶ 3. The website domain for Defendants - marketizomedia.com – is currently parked without content – but prior versions archived from March 2023 do have content - *See* <https://web.archive.org/web/20230331023649/https://marketizomedia.com/> (archive from March 31, 2023). Plaintiff’s attempts to mail Mr. Oscar have resulted in returned mail.

On February 18, 2024, Plaintiff moved the Court for subpoenas to aid in service of process. Dkt. 21. The Magistrate Judge granted the request on February 21, 2024. The subpoenas are directed at the domain registrar and LinkedIn Corporation.

LinkedIn Corporation has since produced responsive records on March 25, 2024. Exhibit 1, Rojas Dec'1 ¶ 3. The records identify an additional email address for Mr. Oscar for which Plaintiff has e-mailed Mr. Oscar in an attempt to resolve this matter. Rojas Dec'1 ¶ 4. The records also identified a phone number which is not a U.S. number and Plaintiff has been unable to connect to it.

The subpoena has been served upon the domain registrar, but Plaintiff is awaiting a response. Rojas Dec'l ¶ 5. In Plaintiff's experience, civil subpoenas to domain registrar's typically take several weeks/few months to produce responsive records. Rojas Dec'l ¶ 6.

Plaintiff seeks this brief extension of time in order to obtain subpoena returns and then identify an alternate means to serve Defendants. Rojas Dec'1 ¶ 7. Plaintiff understands this case has been open for a period of time, but represents that he has worked diligently in attempting to identify a manner in which to serve Defendants.

This is the second such extension requested², and will not prejudice any party and is not meant for the purpose of delay. This case is still in an early stage. Defendants will still have an option to answer the operative complaint via pleading or motion. Plaintiff has also worked diligently to identify a proper means to serve Defendants, making several attempts to serve them at the address provided by the prior settling parties, researching for

² Plaintiff previously moved for an extension but withdrew the request recently because he was requesting a further extension request.

1 a real corporate entity, and attempting to establish means of communication via e-mail with
2 Oscar.

3 Plaintiff respectfully requests the Court extend the deadline to serve Defendants to
4 and including July 14, 2024.

5 Dated: April 8, 2024.

6 /s/ Jorge Alejandro Rojas
7 Jorge Alejandro Rojas
8 Rojas.jorge96@gmail.com
9 Plaintiff in Pro Se
557 Cambridge Way
Bolingbrook, IL 60440
(424) 219-1582

10 **CERTIFICATE REGARDING CONFERRAL**

11 Plaintiff is unaware of counsel for any Defendant. Plaintiff has previously e-mailed
12 Defendant Oscar and has not received a response. Plaintiff has been unable to confer with
13 any Defendant prior to the filing of this motion.

14 Dated: April 8, 2024.

15 /s/ Jorge Alejandro Rojas
16 Jorge Alejandro Rojas

17 **CERTIFICATE OF WORD COUNT**

18 The undersigned, Plaintiff, certifies that this brief contains 1,038 words, which
19 complies with the word limit of L.R. 11-6.1.

20 Dated: April 8, 2024.

21 /s/ *Jorge Alejandro Rojas*
22 JORGE ALEJANDRO ROJAS

23 **CERTIFICATE OF SERVICE**

24 Plaintiff will mail a copy of this filing to each Defendants last known address via
25 USPS First Class Mail.

26 Dated: April 8, 2024..

27 /s/ *Jorge Alejandro Rojas*
28 Jorge Alejandro Rojas